

## State Water Resources Control Board

Division of Drinking Water

February 19, 2019

System No. 3500805

Mr. John Ivancovich, Authorized Agent  
Tri-Cal Incorporated  
8100 Arroyo Circle  
Gilroy, CA 95020

**CITATION NO. 02\_05\_19C\_009**

### **LEAD AND COPPER MONITORING VIOLATION FOR JUNE - SEPTEMBER 2018**

Enclosed is Citation No. 02\_05\_19C\_009 (hereinafter "Citation"), issued to the Tri-Cal Incorporated (hereinafter "Tri-Cal") public water system. Please note that there are legally enforceable deadlines associated with this Citation.

Tri-Cal will be billed at the State Water Resources Control Board's (hereinafter "State Water Board"), hourly rate for the time spent on issuing this Citation. California Health and Safety Code, (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the State Water Board has spent approximately one hour on enforcement activities associated with this violation.

Tri-Cal will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Tri-Cal water system for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the state board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision.

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the state board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

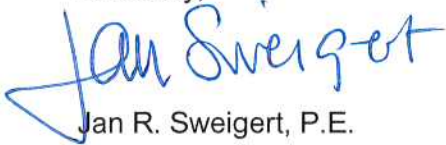
[http://www.waterboards.ca.gov/drinking\\_water/programs/petitions/index.shtml](http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml)

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1 Lower Ragsdale, Bldg. 1, Suite 120, Monterey, CA 93940 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

If you have any questions regarding this matter, please contact Lora Lyons of my staff at (831) 655-6942 or me at (831) 655-6934.

Sincerely,



Jan R. Sweigert, P.E.  
District Engineer, Monterey District Office  
Northern California Field Operations Branch  
Division of Drinking Water

Enclosures

Certified Mail No. 7008 1830 0004 5435 1384

Email cc: San Benito County Environmental Health Department

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

**Name of Public Water System:** Tri-Cal Incorporated

**Water System No:** 3500805

**Attention:** Mr. John Ivancovich, Authorized Agent

8100 Arroyo Circle

Gilroy, CA 95020

**Issued:** February 19, 2019

CITATION FOR NONCOMPLIANCE WITH  
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64675

LEAD AND COPPER MONITORING VIOLATION  
JUNE THROUGH SEPTEMBER 2018

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Water Board"), to issue a citation to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.



The State Water Board, acting by and through its Division of Drinking Water (hereinafter "Division"), and the Deputy Director for the Division, hereby issues Citation No. 05\_019C\_009 (hereinafter "Citation"), pursuant to Section 116650 of the CHSC to Tri-Cal Incorporated (hereinafter "Tri-Cal"), for violation of California Code of Regulations (hereinafter "CCR"), Title 22, Section 64675.

Applicable statutes and regulations are available on the State Water Board website at:

[https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/Lawbook.html](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Lawbook.html)

### STATEMENT OF FACTS

Tri-Cal is classified as a nontransient-noncommunity public water system with a population of 35, serving 5 connections. Tri-Cal operates under Domestic Water Supply Permit No. 02\_05\_99P-3500805 issued by the State Water Board on January 12, 2000.

Tri-Cal is required to maintain a monitoring program for lead and copper levels at the consumers' tap. The minimum number of tap sample sites required for Tri-Cal is based on the population served and whether Tri-Cal is on a standard annual or reduced triennial monitoring schedule. The triennial monitoring schedule for Tri-Cal was five lead and copper samples due during the period June through September 2018. The State Water Board has not received the analytical results to show that the lead and copper monitoring was conducted during the period of June through September 2018.

By email dated October 17, 2018, Division staff requested submittal of the lead and copper tap sample results and reporting forms for the 2018 lead and copper tap sampling. In response, Tri-Cal conducted lead and copper tap sampling on October 22, 2018, with collection of five tap samples. Analysis results showed a 90<sup>th</sup> percentile

of 0.009 mg/L for lead and 0.46 mg/L for copper, below the respective action levels of 0.015 mg/L and 1.3 mg/L. The five lead and copper samples were not collected in the required period of June through September 2018.

### DETERMINATION

Tri-Cal was required to collect a minimum of five lead and copper samples during the period June through September of 2018. Tri-Cal failed to collect the required number of lead and copper samples and submit the analytical results to the State Water Board for the period June through September 2018. Therefore, the State Water Board has determined that Tri-Cal has failed to comply with CCR, Title 22, Section 64675 during 2018.

### DIRECTIVES

Tri-Cal is hereby directed to take the following actions:

1. Collect the next lead and copper samples during **the summer months (June 1 through September 30) 2019**. The required number of samples based on population is five. Analysis results and the Lead and Copper Rule Reporting Form shall be submitted to the State Water Board no later than **October 10, 2019** in accordance with CCR, Title 22, Sections 64675 and 64690.10.
2. On or before **March 22, 2019**, notify all persons served by Tri-Cal of the violation of CCR, Title 22, Sections 64675, in conformance with Section 64463.4(b) and (c) and 64465. The Notification Template: Monitoring Violations – Annual Notice shall be used to fulfill this Directive, unless otherwise approved by the State Water Board. The Notification Template can be downloaded from the State Water Board website at:

[https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/Notices.html](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Notices.html)

The Tri-Cal water system shall edit the wording of the sample notification as necessary and submit the completed form to the State Water Board for approval.

3. Distribute the public notice by:

A. Posting in conspicuous locations throughout the area served by the water system; and

B. Using one or more of the following methods to reach persons not likely to be reached by a public posting:

1) Publication in a local newspaper or newsletter distributed to customers;

2) E-mail message to employees or students;

3) Posting on the Internet or intranet; or

4) Direct delivery to each customer.

4. Determine which secondary distribution method shown in Directive 3 will be used to conduct notification and inform the State Water Board of the selected method no later than **March 5, 2019**.

5. Complete Appendix 1: Compliance Certification Form. Submit it together with a copy of the public notification required by Directive 2 to the State Water Board on or before **April 1, 2019**.

All submittals, with exception to analytical results, required by this Citation shall be electronically submitted to the State Water Board at the following address. The



subject line for all electronic submittals corresponding to this Citation shall include the following information: Water System name and number, citation number and title of the document being submitted.

Jan R. Sweigert, P.E.  
District Engineer, Monterey District Office

[Dwpdist05@waterboards.ca.gov](mailto:Dwpdist05@waterboards.ca.gov)

The State Water Board reserves the right to make modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

Nothing in this Citation relieves Tri-Cal of its obligation to meet the requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270, or any regulation, standard, permit or order issued or adopted thereunder.

#### **PARTIES BOUND**

This Citation shall apply to and be binding upon Tri-Cal, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

#### **SEVERABILITY**

The directives of this Citation are severable, and Tri-Cal shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

#### **FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the State Water Board to: issue a citation or order with assessment of administrative penalties to a public water system for violation or

1 continued violation of the requirements of the California SDWA or any regulation,  
2 permit, standard, citation, or order issued or adopted thereunder including, but not  
3 limited to, failure to correct a violation identified in a citation or compliance order. The  
4 California SDWA also authorizes the State Water Board to take action to suspend or  
5 revoke a permit that has been issued to a public water system if the public water  
6 system has violated applicable law or regulations or has failed to comply with an order  
7 of the State Water Board, and to petition the superior court to take various  
8 enforcement measures against a public water system that has failed to comply with  
9 an order of the State Water Board. The State Water Board does not waive any further  
10 enforcement action by issuance of this Citation.

11  
12  
13 Jan Sweigert  
14 Jan R. Sweigert, P.E.  
15 District Engineer, Monterey District Office  
16 Northern California Field Operations Branch  
17 Division of Drinking Water

2/19/2019  
Date



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19  
20 Appendix:

- 21 1. Compliance Certification Form

22  
23  
24 Certified Mail No. 7008 1830 0004 5435 1384



## APPENDIX 1. COMPLIANCE CERTIFICATION

**Citation Number:** 02\_05\_19C\_009

**Name of Water System:** Tri-Cal Incorporated

**System Number:** 3500805

### Certification

I certify that the users of the water supplied by this water system were notified of the lead and copper monitoring violation of California Code of Regulations, Title 22, Section 64675 for the compliance period of June through September 2018 and the required actions listed below were completed.

Required Action	Date Completed
<i>(Citation Directive 2) Public Notification Method Used:</i>  <i>Posted at:</i> _____  <i>Distribution Method(s):</i> _____	

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

**Attach a copy of the public notice distributed to the water system's customers.**

<b>THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD, DIVISION OF DRINKING WATER, NO LATER THAN APRIL 1, 2019</b>
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**Disclosure:** Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.